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Chairman: Mr. Butagira ..... (Uganda)

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The meeting was called to order at 10.40 a.m.

Agenda item 68: Indigenous issues *(continued)*
(A/60/270, A/60/270/Add.1 and A/60/358)

1. **Mr. Rosengren** (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the 2005 World Summit Outcome had reaffirmed the commitment of Member States to make progress on the advancement of human rights of the world's indigenous peoples and to submit a final draft United Nations declaration on the rights of indigenous peoples for adoption as soon as possible. The adoption of the draft programme of action for the Second International Decade of the World's Indigenous People would be helpful in maintaining a broad-based focus on the issue.

2. The Permanent Forum on Indigenous Issues, which had played a central role in the preparation of the draft declaration, should have an equally important role in follow-up on implementation of the programme of action, which rightly emphasized the need to ensure the effective participation of indigenous peoples in all decision-making processes. The Decade should ensure that indigenous issues were included in the implementation processes of the Millennium Development Goals and follow-up to the major United Nations conferences.

3. The draft declaration must enjoy the support and reflect the interests of all actors concerned, in particular indigenous peoples and Governments. The Nordic countries were fully committed to ensuring that the forthcoming negotiations on a final text were successfully concluded. Lastly, his delegation reiterated its strong support for the work of the Permanent Forum and Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

4. **Mr. Artucio Rodríguez** (Uruguay) said that his Government had given increasing attention to the country's indigenous population in recent years. Despite extensive racial mixing since the time of Spanish colonization, a percentage of the Uruguayan population should still be identified as having indigenous ancestors. His Government was concerned about the poverty and suffering which indigenous peoples had endured and continued to defend their rights.

5. Indigenous peoples, who had the same right as non-indigenous peoples to the enjoyment of human rights, had left a rich cultural heritage and contributed greatly to the world's diversity and knowledge. His delegation supported the activities of the Second Decade of the World's Indigenous People and hoped that, during the forthcoming session of the Commission on Human Rights, Member States would be able to finalize the draft declaration on the rights of indigenous peoples.

6. **Mr. Nikiforov** (Russian Federation) noted that practically every international conference addressed the issue of the rights of indigenous peoples. The Permanent Forum on Indigenous Issues dealt with the issue on a universal level. Furthermore, indigenous peoples themselves were participating in the work of United Nations bodies on an equal footing with delegations of Member States.

7. Indigenous peoples had made a valuable contribution to the complex process of drafting a declaration on the rights of such peoples and to the work of the Permanent Forum and Working Group on Indigenous Populations. Thanks to the United Nations Voluntary Fund for Indigenous Populations, an increasing number of indigenous people were able to participate in United Nations conferences and meetings. Most of the United Nations specialized agencies and programmes involved in the implementation of the Millennium Development Goals had worked in close cooperation with indigenous peoples.

8. His Government had always attached great significance to universal cooperation in defending the rights of indigenous peoples. Problems connected with the survival of indigenous peoples themselves, however, could not be addressed at the international level alone. Without adequate efforts on the part of Governments themselves, many of the objectives set would not be attained.

9. The survival and development of indigenous peoples was a pressing issue for the Russian Federation. His Government had given priority to strengthening the legislative basis governing relations between the State and indigenous peoples. Legislation had been enacted to strengthen the special rights of indigenous peoples to social, economic and cultural development and defend their traditional habitat and way of life and use of natural resources. His

Government had also established a programme to promote the sustainable economic and social development of indigenous peoples of the North, protect their environment and enhance their productivity, including the provision of housing, hospitals and schools and the promotion of reindeer farming. The education of indigenous children, as an integral part of the Russian educational system, included the right to study their native language. State educational standards and general requirements for school programmes at various levels took into account the specificity of the various peoples and linguistic groups living within the Russian Federation.

10. One of the priorities of his Government's economic policies with respect to indigenous peoples of the North was a gradual transition from direct State support of the regions to the establishment of favourable economic conditions for self-development. To that purpose, an effective legal mechanism must be developed to promote cooperation between the State, mining companies and large industrial facilities to resolve the problem of sustainable development of indigenous peoples. Those peoples should have the same rights and opportunities as the rest of the population.

11. Unfortunately, the problems encountered by indigenous peoples were far from being resolved. Many of the goals set during the first International Decade of the World's Indigenous People had not been fulfilled, particularly agreement on a United Nations declaration on the rights of indigenous peoples. The Russian Federation had therefore supported the proclamation of the Second International Decade and intended to take an active part in implementing its objectives.

12. **Mr. Myo** (Myanmar) agreed with the report of the Secretary-General (A/60/270) that specific programmes and projects were essential for the further strengthening of international cooperation and the solution of problems faced by indigenous people. It commended the draft comprehensive programme of action for the Second International Decade of the World's Indigenous People. Although the First Decade had failed to adopt a declaration on the rights of indigenous peoples, it had established the Permanent Forum on Indigenous Issues.

13. Over time, many migrants' waves had passed through Myanmar and the population currently consisted of eight main ethnic groups with over a hundred national races. In 1992, a special Ministry for the Progress of Border Areas and National Races and Development Affairs had been established to promote the economic and social development of the national races, most of whom lived in remote border areas. The Ministry's main objectives were to bring about economic and social development in remote regions, preserve the culture, literature and customs of the national races, promote harmonious relations among the national races, eradicate opium poppy cultivation and replace it with alternative means of livelihood, and preserve and maintain security in the border areas.

14. The Government had already implemented a number of projects to build roads and bridges in mountainous and remote areas, enhance food security, create sustainable markets for products and provide education and training for young people from ethnic groups. It had created a national races village to encourage cultural diversity and preserve ethnic customs and traditions, and had introduced a master plan for the development of the border areas.

15. The rights of national races could be fully realized only through representation in a political process. Their participation in the National Convention, currently being actively discussed, was one of the Government's top priorities.

16. **Mr. Núñez de Odreman** (Venezuela (Bolivarian Republic of)) said that the issue of indigenous peoples was high on his Government's agenda. There was a national programme to promote the development and protect the ethnic and cultural identities of the 34 indigenous peoples of Venezuela, including education, training, health and other services which respected their values and traditions, as well as the provision of technical and financial assistance to strengthen their economic activities. The initiatives taken by his Government to advance the rights of indigenous people included the establishment of banks for indigenous women, a census of indigenous households, a programme to strengthen community management, scholarships for indigenous students, a programme to protect indigenous migrants, and a programme to map indigenous lands.

17. Furthermore, legislation had been enacted to implement the relevant provisions of the Constitution as well as the Millennium Declaration to help the indigenous peoples of Venezuela to exercise fully their

rights. The Bolivarian Republic of Venezuela was also committed to combating all forms of racial discrimination, increasing the representation of indigenous peoples in government, protecting their health, respecting their culture and language, helping them to settle conflicts and improving their quality of life.

18. His delegation commended the proclamation of the Second International Decade of the World's Indigenous People and its draft comprehensive programme of action. The first International Decade had increased awareness of the rights of those peoples. It was now necessary to strengthen international cooperation to find a solution to the problems which directly affected indigenous peoples and redress the violations of their rights which persisted. His delegation hoped that the draft declaration on the rights of indigenous peoples would be finalized during the Second Decade.

19. **Mr. Begg** (New Zealand) said that his country had long supported negotiations to reach consensus on the text for an international declaration on the rights of indigenous peoples. However, the draft text that had been under debate for more than 10 years was unacceptable to many Member States, including New Zealand. If it were to be implemented as a standard of achievement, it would have to be amended. For that reason, New Zealand, along with a group of other countries, had submitted amendments in 2004 to seek to ensure that any future declaration would be consistent with international human rights law and international humanitarian law and protect individual and collective rights, as well as the rights of other parties. The amendments also addressed the fundamental need to safeguard the territorial integrity and political unity of States, and the responsibility of democratic elected governments to govern for the welfare of all their citizens.

20. New Zealand could not agree to a document that suggested the existence of two standards of citizenship or two classes of citizens. The declaration should be inclusive and not exclusive in all its provisions. Although negotiations had been inclusive, the declaration would be for Member States to endorse and adopt. Consequently, States should assume more leadership in the negotiations to bring them to an early conclusion. New Zealand was not prepared to continue the protracted and inconclusive process for another decade.

21. He welcomed the Chairman's text which had been submitted to the Commission on Human Rights early in 2005. It required further amendments, both on self-determination and on lands and resources in particular, but provided a sound and realistic basis for moving forward.

22. **Ms. Taracena Secaira** (Guatemala) said that the indigenous issue was of paramount importance to her country. Her delegation therefore welcomed the draft programme of action for the Second International Decade of the World's Indigenous People (A/60/270) and the historic opportunity to link the programme to the Millennium Development Goals so that the two could be mutually reinforcing. It was also important to include indigenous representatives and authorities in that process, so that they could take responsibility for managing and implementing the programmes and projects designed for their benefit. The progress made in Guatemala during the first Decade would help make the Second Decade more successful. One lesson learned was that there was a need for wider dissemination of information about political and legal mechanisms among indigenous peoples and greater awareness about the Second Decade in all areas of Government and throughout the country. Her Government had therefore undertaken to improve the dissemination of information about the Second Decade, in order to boost existing programmes to raise the living standards of indigenous people and combat poverty.

23. In Guatemala, a number of indigenous people were members of Congress and held decision-making positions in State institutions, where they proposed public policies and had established mechanisms for dialogue, negotiation and agreements with a view to solving the problems that indigenous peoples still faced. In October 2005, Guatemala had hosted a Conclave of the Indigenous Peoples of the Americas, followed by the sixth meeting of negotiations to seek consensus on the American Declaration on the Rights of Indigenous Peoples within the framework of the Organization of American States (OAS). The Universal Declaration on Indigenous Rights and the American Declaration on the Rights of Indigenous Peoples, both of which were still being negotiated, would help ensure that indigenous rights were preserved and respected. She hoped both would be adopted soon.

24. Noting that many of the measures adopted by her Government were medium- and long-term measures

she pointed out that the situation of Guatemala's indigenous peoples had been exacerbated by tropical storm Stan, which had triggered mudslides in mountainous areas, causing considerable loss of life and enormous damage to agriculture. With the help of national resources and international support, every effort was being made to help the victims and rebuild the country's infrastructure. However, in order to do that, it had been necessary to divert resources earmarked for the Millennium Development Goals.

25. Her Government was in favour of disaggregating data in order to measure progress made and making information from United Nations agencies and funds available to indigenous people. It would also continue to expand its health programmes and promote multicultural and multilingual literacy programmes. Lastly, she stressed the importance of the practices of indigenous peoples, whose traditional lifestyles contributed to the conservation and sustainable use of biological diversity and helped combat poverty and hunger.

26. **Ms. Tincopa** (Peru) said that her Government was taking action at all levels to promote the development and full participation of indigenous peoples and ethnic minorities and consolidate a political system based on democracy, respect for human rights and fundamental freedoms, social development and poverty reduction. Such policies reaffirmed Peru's commitment to fully implement the Millennium Development Goals.

27. In January 2005, her Government had established a national institute for the development of Andean, Amazonian and Afro-Peruvian peoples, which directed national policies on indigenous peoples and coordinated implementation of programmes relating to their rights and development. At the international level, Peru had supported the proclamation of a Second Decade as a way of further improving the quality of life of indigenous peoples around the world. Her Government attached great importance to discussions of indigenous issues and actively participated in all work on the subject. In that regard, Peru, together with Ecuador and Guatemala, would be submitting a draft resolution on the adoption of the Programme of Action for the Second International Decade of the World's Indigenous People.

28. Peru was also fully committed to the adoption of a declaration on the rights of indigenous peoples. Her delegation was disappointed that negotiations in the Commission on Human Rights had not produced the desired results and that the very nature of the Working Group on the draft declaration, as well as antagonistic positions, had caused negotiations to stagnate for several years. Her delegation hoped that agreement would soon be reached and in that regard fully agreed with paragraph 127 of the 2005 World Summit Outcome (A/60/L.1).

29. Lastly, her delegation had read with particular interest the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/60/358), which confirmed the difficult situation of indigenous peoples in various parts of the world and the need for the international community to give priority to finding concrete solutions. Noting her delegation's support for the Special Rapporteur's work, she said that the action taken by Peru focused on ensuring that the ethnic and cultural identity of indigenous peoples was recognized and respected in an effort to strengthen their forms of organization, all of which would contribute to the development of Peruvian society.

30. **Mr. Alday Gonzalez** (Mexico) said that the draft programme of action for the Second Decade was crucial to ensuring that commitments made to improve the situation of indigenous peoples were honoured. In that regard, he acknowledged the important contribution of the Coordinator of the Second Decade in organizing consultations and of the Office of the High Commissioner for Human Rights (OHCHR). Even if the draft programme focused more on social development, the human rights aspect could not be ignored. It was also important to link the activities set out in the draft programme to the goals contained in the Millennium Declaration. The Department of Economic and Social Affairs played a very important coordination role in that regard. His delegation supported the draft resolution on the adoption of the programme of action and hoped it would be adopted by consensus.

31. Noting that the 2005 World Summit Outcome included a commitment to present for adoption a final draft United Nations declaration on the rights of indigenous peoples as soon as possible (A/60/L.1, para. 127), he said that his delegation supported the Special Rapporteur's proposal for the draft declaration to be a declaration of principles so that it would have a real impact on indigenous peoples. Even if some

progress had been made in the area of implementation of legislation and public policies, it was still important to have a declaration in order to address tasks that were pending. One possible reason why agreement had not been reached was that too much emphasis had been placed on regulating each right and envisaging each circumstance in which the rights would apply. The idea of establishing general principles to be applied by each State was not therefore a bad one. It was fundamental to establish a distinct methodology and explore different negotiating spaces, in order to reach agreement as early as possible. It would be of no use to indigenous peoples to continue discussing their rights for another 10 years.

32. **Mr. Rehren** (Chile) said that his delegation wished to join the Special Rapporteur and other delegations in recognizing the importance of the commitments laid down in the 2005 World Summit Outcome (A/60/L.1), in particular the commitment to continue making progress in the advancement of the human rights of the world's indigenous peoples (para. 127). Chile acknowledged the importance of cooperation with the United Nations bodies and procedures relating to indigenous matters and was committed to its indigenous peoples. His delegation also appreciated the Special Rapporteur's reference to the relevance for indigenous peoples of the Millennium Development Goals, in particular the Goals to eradicate extreme poverty and hunger and achieve universal primary education. Likewise, he welcomed the progress highlighted by the Director of the Division for Social Policy and Development concerning the work of the Inter-Agency Support Group for the Permanent Forum on Indigenous Issues, which demonstrated the determination of Member States to end the marginalization of indigenous affairs in public policies.

33. Chile had welcomed the proclamation of the Second Decade and its main objectives, and sponsored the relevant resolution in 2004. While appreciating the historical significance of the first Decade, it recognized that much remained to be done. Initiatives such as the creation of the Permanent Forum on Indigenous Issues, the Special Rapporteur's mandate and the Working Group on Indigenous Populations, together with the work of indigenous organizations, other NGOs and civil society, had enriched the existing diversity and heritage. For that reason, his Government would continue to lend its financial support to activities relating to indigenous issues. He also thanked the delegations of Ecuador, Guatemala and Peru for their draft resolution on the Second Decade, which his delegation would be supporting.

34. During the Permanent Forum's fourth session in May 2005, his delegation had put forward a number of ideas for consideration during the Second Decade, such as cooperation and information exchange among countries, the importance of protecting the elderly as the repositories of ancestral wisdom and the establishment of systems to ensure the effective participation of indigenous peoples in public policies. Chile attached great importance to cooperation with regional bodies that dealt with indigenous issues. In that regard, he emphasized the growing importance of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, a bipartite body composed of government and indigenous representatives which, inter alia, identified the strengths and weaknesses of Governments in regulating processes triggered by globalization that affected indigenous peoples. A much more ambitious undertaking was the Intercultural Indigenous University, which would contribute to the professional training of indigenous men and women by offering them high-quality higher education programmes.

35. Chileans had needed to rebuild a society divided by pain and injustice. Chile had chosen to resolve its discrepancies through peaceful means and renounced violence in all its forms. As a democratic State, it could not accept the use of violence as a way to satisfy the social demands of any of its citizens, whether indigenous or non-indigenous. Today, institutional channels and mechanisms were in place to respond to the demands of all sectors of society. For that reason, the proceedings which his Government had been obliged to start involving indigenous peoples sought to punish the authors of crimes. In no way were they intended to "criminalize" the indigenous movement. The Chilean courts had accused the persons concerned on the basis of the crime committed and the investigations carried out, not because of their origin.

36. **Mr. Laurin** (Canada) expressed appreciation to the Special Rapporteur for his visit to Canada in 2004 and for his work, which reinforced the Canadian Government's commitment and ongoing efforts to work with the Aboriginal peoples of Canada toward meeting the challenges they faced. The areas highlighted in the Special Rapporteur's report as

representing the greatest challenges for Canada largely coincided with the areas that his Government had identified for increased action as it sought to close the unacceptable socio-economic gap between Aboriginal and non-Aboriginal Canadians. His delegation was pleased that the Special Rapporteur recognized that Canada had taken up the challenge to close that gap (E/CN.4/2005/88/Add.3, p. 2).

37. His Government welcomed the report as a positive contribution to national efforts to improve the lives of all Aboriginal peoples in Canada and looked forward to a sustained dialogue with the Special Rapporteur with a view to developing further initiatives. Canada took its human rights obligations seriously and sought to address issues in an open and transparent fashion, involving indigenous groups themselves. Canada had also sought to cooperate fully with United Nations mechanisms, in the current instance the Special Rapporteur. In addressing their respective human rights challenges, all States should foster an inclusive, open dialogue in an environment free from threats to political and democratic rights and freedoms and take full advantage of the support offered by the United Nations special mechanisms.

38. **Ms. Singh** (Nepal) said that Nepal had ratified the International Convention on the Elimination of All Forms of Racial Discrimination and gave due consideration to the recommendations made by the Committee on the Elimination of Racial Discrimination on the reports it submitted regularly under the Convention.

39. The Nepalese Constitution banned discrimination on grounds of religion, race, gender, cast or ideological conviction and protected the most vulnerable members of society, such as women, children and old people. Each community had the right to preserve and promote its language, script and culture and there was total freedom of religion.

40. A number of national development policies and plans gave high priority to social inclusion. In particular, legal measures had been adopted to open up the civil service to indigenous nationalities and a public awareness and school enrolment campaign had been launched under the "Education for All" programme to achieve the Millennium Development Goals. The Government believed that those programmes would help to eliminate the inequalities experienced by indigenous populations.

41. Established in 2002, the National Foundation for Development of Indigenous Nationalities defended the interests of indigenous nationalities in Nepal. Sixty-one groups had been identified as indigenous nationalities on the basis of, inter alia, mother tongue, traditional rights and customs. The Dalit Commission and Women's Commission were involved in the implementation of programmes for the development of indigenous groups, in collaboration with all stakeholders in society.

42. The forthcoming elections would provide a further opportunity to increase the participation of various ethnic and indigenous groups in Nepal's democratically elected institutions. They would pave the way for peace and help defeat terrorism that had seriously affected development programmes, particularly in rural areas in which indigenous and ethnic groups lived. The international community must extend its cooperation to strengthen national efforts for free and fair elections, as well as to complement national development efforts.

43. **Mr. Murata** (Food and Agriculture Organization of the United Nations (FAO)) reiterated his agency's commitment to indigenous issues and reported on two of its major activities to eradicate extreme poverty and hunger among indigenous peoples.

44. At its 123rd session in November 2002, the FAO Council had formally established the Intergovernmental Working Group (IGWG) for the Elaboration of a Set of Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. The Guidelines, finally adopted by the FAO Council at its 127th session in November 2004, constituted a fundamental step towards providing the hungry and poor, including vulnerable groups such as indigenous peoples, with the right to food.

45. In 2001, the FAO Council had adopted the International Treaty on Plant Genetic Resources for Food and Agriculture. In harmony with the Convention on Biological Diversity, the Treaty sought to ensure the fair and equitable sharing of benefits derived from the use of plant genetic resources for food and agriculture. It recognized the significant contribution that local and indigenous communities had made, and could continue to make, to the conservation and development of plant genetic resources. The entry into force of the Treaty was of great relevance to indigenous peoples and their

organizations, and would contribute to the recognition of farmers' rights.

46. The topic of World Food Day 2005 was "Agriculture and intercultural dialogue". It had provided a major opportunity to highlight the important contribution of indigenous peoples to food production and sustainable management of agricultural ecosystems.

The meeting rose at noon.